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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,514	07/20/2001	Scott Hillstrom	P/25-7	9677
7590 07/08/2004		EXAMINER		
WEISS & WEISS			WINTER, JOHN M	
SUITE 305 500 OLD COUNTRY ROAD		ART UNIT	PAPER NUMBER	
GARDEN CITY, NY 11530			3621	
			DATE MAILED: 07/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summers	09/909,514	HILLSTROM, SCOTT				
Office Action Summary	Examiner	Art Unit				
	John M Winter	3621				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w. - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
Status	,					
1)⊠ Responsive to communication(s) filed on <u>20 July 2001</u> .						
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-10</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-10</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examine	ſ.					
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
Copies of the certified copies of the prior	ity documents have been receive	d in this National Stage				
application from the International Bureau						
* See the attached detailed Office action for a list of the certified copies not received.						
Attacheroutte						
Attachment(s) 1) Notice of References Cited (PTO-892)	A) [] Intentious Summans	(PTO_413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal Pa	atent Application (PTO-152)				
S. Patent and Trademark Office	o, <u>C.</u> Calon.					

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DETAILED ACTION

Claims 1-10 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,4,6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "happening of certain events" fails to distinctly define any limitation of the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagel et al. (US Patent No 5,592,549) in view of McClure, et al. (US Patent Application Publication No US 2003/0208395).

As per claim 1,

Nagel et al., ('549) discloses a method for protecting electronic files from being forcibly accessed by legal process comprising;

allowing access by one or more memory storage devices located in jurisdictions that do not enforce said process of one or more other jurisdictions whose process a party wishes to protect said information and files from; (Figure 7)

placing said information under exclusive physical and legal control of a trustee or equivalent who is duly appointed under laws of said jurisdiction where said device or equivalent is located. (Figure 6)

Nagel et al., ('549) does not specifically disclose "creating and storing electronic files containing information" McClure, et al. ('395 discloses "creating and storing electronic files containing information" (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Nagel et al., ('549) method with the McClure, et al. ('395) method in order to efficiently store data..

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Claim 6 is in parallel with claim 1 and rejected for at least the same reasons.

As per claim 2,

Nagel et al., ('549) discloses the method of claim 1 further comprising; transferring said files to another device and trustee in another jurisdiction upon happening of certain events.(Figure 6)

Claim 7 is in parallel with claim 2 and rejected for at least the same reasons.

As per claim 3,

Nagel et al., ('549) discloses the method of claim 1.

Nagel et al., ('549) does not specifically disclose "erasing permanently said files from said memory device from which they are transferred" McClure, et al. ('395 discloses "erasing permanently said files from said memory device from which they are transferred"(Figure 3) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Nagel et al., ('549) method with the McClure, et al.1 ('395) method in order to improve the security of the system.

Claim 8 is in parallel with claim 3 and rejected for at least the same reasons.

As per claim 5,

Nagel et al., ('549) discloses the method of claim 2

Official Notice is taken that "subpoena demanding production of information contained in said files stored on said device" is common and well known in prior art in reference to electronic files. It would have been obvious to one having ordinary skill in the art at the time the invention was made that a subpoena would be issued because this proper legal method for obtaining material relevant to legal proceedings.

Claim 10 is in parallel with claim 5 and rejected for at least the same reasons.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW June 27, 20044

> SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600